

EXPLANATORY MEMORANDUM TO

The Single Use Carrier Bags Charge Regulations (Northern Ireland) 2013

S.R. 2013 No. 4

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which has been laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under sections 77(2) and 90(2)(b), 90(3)(a) and (b) of, and paragraphs 1, 2, 3(1)(a), 3(2), (3), (4), and 4 to 22 of Schedule 6 to, the Climate Change Act 2008 and is subject to the draft affirmative resolution procedure.

2. Purpose

- 2.1. The objective of the Regulations is to:
 - require sellers to charge customers at least 5 pence for each single use carrier bag supplied new;
 - require sellers to pay the net proceeds of the charge (“the levy”) to the Department, and stipulate how net proceeds should be calculated;
 - make provision for certain exemptions from the charging requirement; and
 - provide for a regime of civil sanctions in the event of breaches of the Regulations.

3. Background

- 3.1. Around 250 million single use carrier bags are consumed in Northern Ireland every year. The levy is intended to reduce the environmental damage caused by these bags by cutting the number used. Experience elsewhere has shown that introducing a levy is a very successful way of substantially cutting bag consumption.
- 3.2. The levy will not eliminate single use carrier bags completely as there will still be times when shoppers need to use a bag. On those occasions, consumers should pay an amount that reflects the social and environmental cost of a single use carrier bag – this includes the carbon dioxide emissions and air and water pollution associated with their production, as well as the costs of removing discarded bags from public spaces and disposing of them. The levy will also contribute to funding for environmental programmes and activities.

4. Consultation

- 4.1. The Department has carried out 2 public consultations on the proposed introduction of a carrier bag levy.
- 4.2. Consultation on the policy proposals was carried out between 20 July 2011 and 12 October 2011. The Department received 64 substantive responses to the consultation, many of which were provided by representative groups.
- 4.3. These Regulations were the subject of a consultation exercise between 16 April and 9 July 2012. The Department received 37 separate substantive responses and, again, many of these were provided by representative groups.

5. Equality Impact

- 5.1. The Department is of the view that the Regulations are compliant with section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

- 6.1. The Department has conducted a Regulatory Impact Assessment which considers a range of options for intervention on single use carrier bags, including the “do nothing” option. These options are assessed against the objectives of achieving significant reductions in carrier bag consumption and raising revenue for environmental projects. A 10 pence levy (discounted to 5 pence in the first year) is identified as the preferred option.
- 6.2. The Impact Assessment can be accessed at:
www.doeni.gov.uk/carrier_bags_impact_assessment.pdf

7. Financial Implications

- 7.1. While there will be an administration cost to the Department, the levy is expected to raise net revenue which will contribute to the funding of environmental programmes and activities.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Regulations are considered compliant with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. The Regulations partially replicate the relevant Wales provisions under the corresponding Act.
- 10.2. The key differences relate to the exemptions from the levy and the requirement for sellers to pay the proceeds of the levy to the Department instead of distributing them to good causes, as in Wales.

11. Additional Information

- 11.1. Not applicable.